Contemporary Legal Rulings in Shi'i Law

in accordance with the rulings (*fatawa*) of Ayatullah al-'Uzma al-Sayyid 'Ali al-Husayni al-Seestani

Translated by Hamid Mavani

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Table of Contents

Translator's Preface

'ibadat

- Ritual Purity (*taharah*) [Q1-8]
- Major Ablution (*ghusl*) [Q9]
- Menstrual Bleeding (*hayd*) [Q10-11]
- Irregular Bleeding (*istihadah*) [Q12-13]
- Bleeding after Childbirth (*nifas*) [Q14]
- Ritual Prayers and Fasts [Q15-23]

- Friday (*jumu'ah*) Prayer [Q24-25]
- *Qiblah*[Q26]
- Imported Leather [Q27-29]
- Prostration [Q30-32]
- Crescent (*hilal*) [Q33]
- Traveller (*musafir*) [Q34-47]
- Boundaries of a City [Q48]
- Exhumation of Grave [Q49-50]
- *Khums* [Q51-55]
- Charity [Q56]
- *Hajj* [Q57-61]

mu'amalat

PART 1

- Interest (*riba*) [Q62-67]
- Credit Cards [Q68-69]

- Buying and Selling Shares [Q70]
- Insurance Policies [Q71]
- Copyright [Q72]
- Found Property [Q73-74]
- Working, Selling or Presence in Places that Sell Non-Ritually Slaughtered Meat, Alcoholic Beverages and Pork [Q75-82]
- Shopping [Q83]
- Imported Meat, Fish, Cheese and Gelatine [Q84-90]
- Meat from Muslim Markets [Q91-92]

PART 2

- Marriage and Divorce [Q93-94]
- Masturbation [Q95-98]
- Sexual Fantasy [Q99]
- Looking at *non-mahram* Women [Q100]
- Mixed Swimming Pools [Q101]

- Statues, Portraits and Films [Q102-108]
- *Hijab* [Q109-114]
- Beard [Q115]
- Cosmetics [Q116-117]
- Miscellaneous Rulings Pertaining to Women [Q118-123]

PART 3

- Rights of Parents [Q124-128]
- Gifts for New-Born [Q129]
- Disciplining Children [Q130]

PART 4

- Organ Donation [Q131-132]
- Post-Mortem Examination [Q133]
- Artificial Insemination [Q134-139]
- Abortion [Q140-142]

- Contraception [Q143-151]
- Vasectomy / Tubectomy [Q152]
- Genetical Analysis [Q153-154]
- Medication [Q155-157]
- Buying and Selling Blood [Q158]
- Medical Examination [Q159-161]
- Medical Students [Q162-164]
- Smoking [Q165]

PART 5

- Music [Q166-177]
- Dancing [Q178-181]
- Clapping [Q182]

PART 6

- Lottery [Q183]
- Chess, Backgammon, Wrestling and Boxing [Q184-189]

PART 7

- Magic [Q190]
- Inviting Souls [Q191]
- Exploiting the Angels [Q192]
- Asking for Intercession [Q193]

PART 8

- Slandering Allah (swt), Prophet (S) or Imams (as) [Q194-195]
- Gossip [Q196]
- Stealing, Cheating and Deceiving [Q197-199]
- Greeting Non-Muslims [Q200]

Glossary of Terms

Bismihi Ta'ala

TRANSLATOR'S PREFACE

The Qur'an and the corpus of hadith literature constitute a comprehensive legal resource that is invoked to regulate the various aspects of a Muslim believer's life. New situations and contingencies have prompted the experts in the field to delve into the sources and to devise methodological devices in usul al-fiqh to enable them to deduce fresh juridical rulings (fatawa) in order to deal with novel problems and issues. Consequently, the door of independent research (ijtihad) -- deducing legal rulings in the area of human-divine ('ibadat) and human-human (mu'amalat) relationships -- has remained open in the Ja'fari/Shi'ah Ithna 'Ashari/Imami school of thought. This is not a peculiar feature of the Ja'fari school, and it is presently being argued in Islamic scholarship that, contrary to the commonly held opinion, the gate of ijtihad was not considered closed by Sunni jurists of the 4th/10th century.

This work contains the translation of a selection of new legal rulings that are based on the opinion of the eminent jurist Ayatullah al-'Uzma al-Sayyid 'Ali al-Husayni al-Seestani, who resides in Najaf, Iraq, and is the point of reference, or marja', for a good part of the Shi'ah Ithna 'Ashari community of believers, who revert to him for guidance. Three of his works, Al-Fatawa al-Muyassarah (FM), al-Mustahdathat min al-Masa'il al-Shar'iyyah (MMS) and Minhaj al-Salihin, vol. 1 (MS) were used in compiling the list of questions/answers and organizing them under appropriate subjects. The source is clearly marked in regular brackets after the response to each question to facilitate easy reference to the original Arabic text.

The questions and answers in FM were formulated by the compiler in the form of a dialogue between a father and his son. Subsequently, they were sent by him to the office of Ayatullah Seestani in Najaf, Iraq for verification and approval. The legal responses in MMS are derived from the questions that were posed by laypersons to the jurist for his legal opinion. The third source, MS, was composed by Ayatullah Seestani and takes the form of an enumeration of his rulings on various issues.

Translating a work of this sort is a challenging enterprise and one is torn between remaining faithful to the original text and being idiomatic. I have opted for the former at the expense of smooth and flowing sentences, and as a result, the reader will find that some of the sentences are stilted and unidiomatic. Regular brackets have been inserted to clarify the meaning of a sentence or to insert the Arabic term for the English equivalent. The square brackets are part of the original Arabic text. Also, a Glossary is appended at the end of the booklet to aid those who are unfamiliar with the Arabic terms.

I am deeply grateful to Syed Mohammad Ghassemi for the enormous help and assistance that he extended to me in translating this work. I also acknowledge my gratitude to Br. Khaleel Mohammed for reviewing the translation draft and offering pertinent suggestions for its revision. I extend my deep appreciation to Prof. Abdulaziz A. Sachedina who agreed to review this work and provide expert advise under short notice, in spite of his busy schedule and time constraints. Profound thanks to Prof. Ali al-Oraibi of University of Bahrain for meticulously comparing the Arabic text with the translation draft for accuracy and fluency. Amendments that they proposed have been incorporated to enhance the quality of this work. Every effort has been made to be as precise and accurate as possible. As for any inadvertent errors in the translation that may have slipped by, I alone am responsible. The logo that appears is designed by Br. Azeem Ali Amir, and I extend to him my gratitude.

I trust that this work will be useful to those who are not literate in Arabic and are confronted with the contemporary issues that are dealt with in this booklet. It is also hoped that the work will be of benefit to the academic community in obtaining a Muslim jurist's perspective on modern ethical questions and dilemmas.

I - *'ibadat*

Ritual Purity (*taharah*)

Q1: It often happens that I shake hands with someone while my hands are wet. I do not know whether the one with whom I shook hands is a Muslim or an unbeliever (*kafir*), who is not regarded as ritually pure (*tahir*). Is it obligatory for me to ask him in order to make sure?

A: Certainly not. It is not obligatory for you to ask him. You may say "the hand with which I touched his hand was ritually pure." (FM, pp. 398-99)

Q2: A university student, businessman, tourist or some such person travels to a non-Muslim country, say, Europe, such that scarcely a day passes without direct contact with its Christian and Jewish inhabitants, with the attendant moisture exchange in the cafe, or at the barber shop, doctor's office, dry cleaner's, etc. making it difficult to count (the places). What should he do?

A: He should assume the ritual purity of their bodies as long as he does not know that their ritual impurity (*najasah*) was acquired from an external source. (FM, p. 399)

Q3: If I move into a place which was inhabited before me by people who are not judged to be ritually pure, is it correct for me to consider everything ritually pure?

A: Yes, consider everything ritually pure if you do not know or are unsure of its ritual impurity. (FM, p. 399)

Q4: An electrically-operated washing machine can dry clothes, after the water supply is cut off from it, due to the power of spinning rather than squeezing. Is that enough for their ritual purification (*tathir*)?

A: Yes, that is enough for their ritual purification. (FM, p. 398)

Q5: Some people throw newspapers, magazines and some respected books in the garbage, although they contain some verses of the Qur'an or names of Allah (s.w.t.).

A: This is not permissible and it is obligatory to take them out of such places and to purify them if they have come into contact with some ritual impurity. (FM, p. 419)

Q6: Some types of soap which are imported from outside contain lard in their ingredients but at the end, only 5% remains in them. In that case, is the ruling of transformation (*istihalah*) applicable (to it) and (is the soap) ruled to be ritually pure, or does it remain ritually impure?

A: It remains ritually impure. God knows best. (MMS, p. 17, Q17)

Q7: What is the ruling on blood that coagulates under the fingernail, this being the result of a blow or some other cause? This blood then moves gradually to the outside and it is not possible to remove it. Is this blood ritually impure or ritually pure? And how is it treated if it is considered ritually impure?

A: If it does not change (into something other than blood), it is to be considered ritually impure, and it is obligatory to remove it if there is no difficulty in doing so. But if it presents a problem, then that which seems apparent is to substitute *tayammum* for *wudu'* and *ghusl*. God knows best. (MMS, p. 21, Q33)

Q8: Some food items given to poultry are mixed with 30% pig bones which helps the chicken gain weight at the rate of about 2 kg in 40 days. What is the ruling on this and is there any objection to it?

A: This precludes neither the permissibility of consuming its meat nor its ritual purity, if it is slaughtered in the Islamic manner. But it is preferable to keep animals away from these food items. God knows best. (MMS, p. 27, Q50)

Major Ablution (*ghusl*)

Q9: What is the ruling on someone who performs one of the obligatory *ghusls* and, after completing the *ghusl* or a few hours thereafter, he finds something that prevented the water from reaching a finger of his left hand or a toe of his left foot. Is he obligated to repeat the *ghusl* of the entire left part, or is it adequate to wash only that spot with the intention of *ghusl*?

A: It is enough to wash that spot only and, based on obligatory precaution, he should combine it with *wudu'* if a *hadath* has taken place during that time. God knows best. (MMS, p. 19, Q25)

Menstrual Bleeding (*hayd*)

Q10: A woman has regular periods and on the seventh day she is free of menstrual blood. But after relations with her husband, blood returns and continues until the tenth day and then stops. In this case, is there any sin or is expiation obligatory for her?

A: There is no sin on her part and no expiation is needed in the hypothetical question. God knows best. (MMS, p. 20, Q28)

Q11: If a woman with regular menstrual cycle notices, during 2 or 3 days of her cycle, intermittent blood which has none of the characteristics of *hayd*. Then, she sees blood with the characteristics of *hayd* for 5 days -- which altogether makes 7 (days). What is the ruling on her?

A: The intermittent blood is not *hayd* because the minimum number of days for it to be *hayd* is 3 days. However, what she sees in the 5 days is considered *hayd*. (MMS, p. 35, Q73)

Irregular Bleeding (*istihadah*)

Q12: Is a woman with light (*qalilah*) or moderate (*mutawassitah*) bleeding (*istihadah*) obligated to perform the *wudu'* between two prayers even if no blood is found between them (the prayers)? How about *tawaf* and its prayer?

A: It is not obligatory, assuming that the blood has stopped and the cotton was not stained by it. (MMS, p. 21, Q31)

Q13: Is a man permitted to have relations with his wife after her *nifas* period lasting 10 days has ended, while being aware that blood continues, with the characteristic of *istihadah*, to flow from her for more than 18 days?

A: It is permissible, although it is preferable to take precautions from the 10th until the 18th day. (MMS, p. 20, Q29)

Bleeding after Childbirth (*nifas*)

Q14: Is *nifas* applicable only upon giving birth? Or is it deemed to occur simply because of a delivery, regardless of whether it is full-term or not -- such as the miscarried foetus with a soul or without a soul, or the miscarried *mudgah* (lump of flesh) or '*alaqah* (blood-clot)?

A: The ruling of *nifas* between a full-term creation and others to which the term "birth" can be applied do not differ in their implementation. As for the blood that exits with

the *mudgah* and *'alaqah*, applying the ruling of *nifas* to them is problematic, rather forbidden. (MMS, p. 21, Q30)

Ritual Prayers and Fasts

Q15: Is it permissible for a person to delay his prayers from their earliest time by participating in the commemoration ceremonies (*majalis*) of (Imam) Husayn established during the ten days of *Muharram*?

A: It is permissible, but it is best to perform the prayers at their earliest time, and the organizers of the *majalis* ought to arrange them in such a way as to avoid conflict with the performance of prayers at their earliest time. (MMS, pp. 35-36, Q74)

Q16: Is it permissible for a person who wakes up a few minutes before the time of morning prayer to go back to sleep if he knows or considers it a strong possibility that he will not wake up again before sunrise?

A: If this is considered a sign of contempt or trivialization with regard to prayers, then it is not permissible. (FM, p. 400)

Q17: A woman is performing prayer and she is unaware that some of her hair is outside of her head-cover. Is it obligatory for me to inform her of this during or after her prayer?

A: Certainly not. It is not obligatory for you to inform her. Even if she does not become aware of it until her prayer is complete, her prayer will be valid. If she becomes aware of it during (the prayer) and hastens to cover it (her hair), again her prayer will be valid. (FM, p. 400)

Q18: What about another (woman) who offers prayer while the upper part of her feet are exposed.

A: This is permissible for her since it is allowed for the upper part of the feet and the soles to be exposed in prayers. (FM, p. 431)

Q19: What is the ruling on a person who used to pray and fast but committed several mistakes in the major ablution (*ghusl*). He is absolutely sure now that some of his previous *ghusls* were void, but he does not know how many. As a result he is not aware of how many invalid prayers and fasts he offered with them.

A: His fasts are valid even if his *ghusl* is invalid. However, it is obligatory for him to

offer *qada* of all the prayers he offered with the invalid *ghusl*. If he is unsure about the minimum and the maximum, he may limit himself to the minimum. (FM, p. 399)

Q20: A person fasts in the month of *Ramadan* for several years and he does not know, due to ignorance, that the *ghusl* of *janabah* is obligatory, so he does not perform *ghusl*.

A: His fast is correct and no expiation (*kaffarah*) is obligatory for him. (FM, p. 402)

Q21: Some allergy sufferers use an apparatus which we call an "inhalator" to assist them in easy breathing. After its placement in the mouth and pressing it, this apparatus emits what is like pressurized gas. Can this apparatus be used at the time of fasting?

A: Yes. One who uses this (apparatus) remains on his fast and his fast is valid. (FM, p. 402)

Q22: Food or serum in a plastic bag containing water, sugar and some medication is administered to a patient by injection directly into the blood -- due to sickness or some other reasons such as to provide nourishment. Is the fasting person obliged to avoid it?

A: It is not obligatory, although it is more appropriate (for him) to do so. (FM, p. 403)

Q23: Is it permissible to offer meals to those who are not fasting -- that is, those with and without an excuse for not fasting in the month of *Ramadan* -- whether in restaurants or in homes, if this offering is not considered disrespectful to the sanctity of the noble month?

A: It is permissible (to offer meals) to those who have an excuse (for not fasting) [but not to the others]. (FM, pp. 402-3)

Friday (*jumu'ah*) Prayer

Q24: Does performing Friday (*jumu'ah*) prayer compensate for noon (*zuhr*) prayer or not? Is Friday prayer superior to the noon prayer?

A: Performing Friday prayer in such a way that all appropriate conditions are fulfilled, according to the *shari'ah*, is superior to performing noon (prayer). If the *mukallaf* performs it (Friday prayer) as such, then it (Friday prayer) replaces it (*zuhr*). (MMS, p. 11, Q5)

Q25: Is one entitled to object to the holding of Friday prayer by claiming that the *marjas* of the Muslims in Najaf and Qum do not establish it, while knowing that in the city in which the *mukallaf* resides, most of the residents perform Friday prayer on the basis of their *fiqh*?

A: One is not entitled to do that. As for non-holding of Friday (prayer) by the *marjas*, who are of the opinion that it (Friday prayer) is superior to *zuhr* (prayer) and the former replacing it (*zuhr*), may be due to personal excuses or the like. This does not prevent others from establishing it (Friday prayer). God knows best. (MMS, p. 12, Q6)

Qiblah

Q26: The views of the *ulama* differ regarding the (direction of the) *qiblah* from New York and similar places in North America. Can you explain in some detail how we are to face the *qiblah* from there?

A: Facing the *qiblah* from distant places which have the curvature of the earth between them and the revered *Ka'bah* is determined by the parallel lines that commence from the front of the body of the person praying and the lines of curvature that arch around the surface of the earth in the direction of the revered *Ka'bah*, in such a manner that the lines end there (the *Ka'bah*), even if it is only by probability. The direction of the lines may be established on a globe by connecting the position of the person praying to the revered *Ka'bah* by a thread -- ensuring that it remains on a direct course, rather than veering left or right. According to our tests, the direction of this thread from areas such as New York in North America is to the East, yielding to the North by the degree indicated by the aforementioned thread.

As for those who say that Mecca lies beneath the 22nd parallel, New York falls above the 40th parallel, and this requires that the person in New York must face the direction of the honored *Ka'bah* by bearing to the South rather than to the North, the answer to this is as follows:

This holds true if one uses a flat map as opposed to a global one. The change in the direction of the abovementioned thread on a global model is a result of the portions lying between the two points, if it is viewed in relation to the North and South poles. The support for this is that, if we neglect and do not take into consideration the four cardinal points on the globe, and we turned around a global map putting Mecca in the summit, as if it were the North Pole, we would observe that the direction of the abovementioned thread (in a situation for a person in New York) would be exactly the same as that obtained by the earlier mentioned thread. The person in New York who wants to face the direction of the revered *Ka'bah* must take this direction and not veer towards the right.

In short, in our opinion, what is more likely in the method of facing the direction is as explained in the foregoing. It is clearly the better position also with regard to the necessity of observing the imaginary line that passes through the earth directly between the position of the person praying and the *Ka'bah*. Since it is not possible to face the direction of this (imaginary) line during prayer, it is necessary to follow the direction of the line of curvature parallel to it, and which goes over the surface of the earth. The parallel line just mentioned is the same as that which we already pointed out, whose direction from New York is towards northeast. Even so, however, the prayer of a person facing southeast would be valid if he is acting on a firm *shar'i* proof in his possession to that effect. God knows best. (MMS, pp. 9-11, Q1)

Imported Leather

Q27: A man is wearing a watch whose strap is made of natural leather imported from a non-Muslim country and he does not know whether the leather is from the skin of an animal slaughtered in the Islamic manner or not. The belt on his pants is made from the same kind of leather. Does he have to remove them when he intends to offer prayer?

A: His prayer is valid with them as long as there is a strong probability that the strap or the belt is from the skin of an animal whose flesh is edible and that was slaughtered in the *shar'i* manner. (FM, pp. 397-98)

Q28: What about a wallet placed inside the pocket during prayer if it is made of the same leather as the strap previously mentioned?

A: One is permitted to offer prayer with it. (FM, p. 398)

Q29: Suppose that he is confident that the strap or the belt is made from the skin of an animal that was not slaughtered in the Islamic manner but he prays with it due to forgetfulness and then remembers while praying, and immediately removes his watch or belt.

A: His prayer is valid unless his forgetfulness is due to carelessness and not giving due importance to the matter [in which case he is obliged to repeat his prayer]. (FM, p. 398)

Prostration

Q30: Sometimes I intend to pray and there are some white pieces of paper in my pocket. Is it permissible for me to perform prostration on them?

A: Yes, it is permissible for you to prostrate on them if they are ritually pure and made out of wood-pulp or similar material on which prostration is permissible. The same rule applies if they are made of cotton or linen. (FM, pp. 399-400)

Q31: . . . prostration on cement?

A: Likewise, it is permissible for you to prostrate on it. (FM, p. 400)

Q32: I listen to a tape recorder, radio or television emitting the voice of a reciter of the Qur'an, reciting a verse which demands prostration. Should I prostrate?

A: Certainly not. You are not obliged to prostrate yourself except when you hear it (the verse) from the reciter himself, not on his recorded tape. (FM, p. 400)

Crescent (*hilal*)

Q33: If I attain personal confidence that the astronomical calculations on the birth of the crescent (*hilal*) announced by the experts are correct, can I, relying on my confidence, confirm the first of the month and fast, or for the *Eid* and break my fast?

A: Confidence in the birth of the crescent and its visibility is of no consequence; rather, the actual sighting has to be confirmed by yourself or someone else. Yes, it is enough to confirm the actual sighting in another city if it shares the horizon of your city, such that a sighting in that city would necessitate a sighting in your city, if there were no barriers such as clouds, dust, mountains, etc. (FM, p. 403)

Traveller (*musafir*)

Q34: A student, worker or employee studies or works in an area situated at more than 22 km from his city. He goes daily to his workplace and returns to his city, and there is a possibility that this will continue for a year or more. What is the ruling in this case with respect to his prayers and fasts (*siyam*)?

A: He should offer complete (*tamm*) prayers and observe the fasts. (FM, pp. 400-401)

Q35: What if he were to travel three or four times a week during the year, not because his job demands travelling, but for other purposes like sight-seeing and tourism or for treating a patient, visiting the shrines of the Imams (a.s.), etc. What is the ruling on his prayers?

A: He should perform complete prayers and observe the fasts, since, given his situation he is considered a frequent traveller according to convention ('*urf*). If he were to travel twice a week and stay five days in his hometown [then it is obligatory for him to offer both the short (*qasr*) and the complete (prayers); and, in the month of *Ramadan*, to combine observance of the fasts in it (*Ramadan*) and their *qada* after it]. (FM, p. 401)

Q36: A *mukallaf* offers morning prayer in his city and then travels in a westerly direction. He arrives in a city in which the dawn has not yet appeared and then emerges. Or, he offers noon prayer in his city and then travels by air, arriving in a city where the sun has not begun to go down (noon), and only later begins its descent. Or, he offers the evening prayer in it (city), then travels to a city where the sun has not yet set, and then sets. Is he obliged to repeat the prayer in all these hypothetical situations?

A: There are two perspectives. It is a better precaution (to repeat the prayer), although apparently it is not (obligatory to repeat it). (MS, p. 464, Q81)

Q37: What is the ruling for a person who travels after noon (*zuhr*) during the month of *Ramadan* while fasting?

A: [He should complete his fast] and there is no *qada* on him. (FM, p. 401)

Q38: And if he travels before noon, having intended to do so and decided on the trip the night before?

A: [There is no fasting for him on this day]. He will break his fast after reaching the *hadd al-tarakhkhus* and he is obligated to offer its *qada* after that. (FM, p. 401)

Q39: What if he travels before noon but did not intend to travel and had not decided on it the night before?

A: The same ruling applies as in the previous case (Q38). (FM, pp. 401-2)

Q40: A traveler in the month of *Ramadan* returns to his hometown or place of

residence after noon. Is it obligatory for him to abstain (from things that render a fast void) in the remaining part of the day?

A: It is not obligatory for him although it is more appropriate to abstain for the rest of the day. (FM, p. 402)

Q41: What if he returns before noon and has broken (the fast) on his trip?

A: The ruling is as previously mentioned (Q40). (FM, p. 402)

Q42: What if he returns to his hometown or place of residence and arrives before noon without breaking the fast on his trip?

A: It is obligatory for him to make the intention to fast and abstain from things that render a fast void for the remaining part of that day. In that case, there is no *qada* on him. (FM, p. 402)

Q43: What about one whose duty it is to fast while travelling. After dawn has appeared in his city, he travels by air with the intention to fast. He arrives in another city where the dawn has not yet emerged. Is he permitted to eat, drink, etc.?

A: Apparently, it is permissible. (MS, p. 466, Q85)

Q44: What about one who travels from his city in the month of *Ramadan* after noon and arrives in a city where the sun has not begun its descent. Is it obligatory for him to abstain (from things that break the fast) and complete his fast?

A: That is a better precaution. (MS, p. 466, Q86)

Q45: If a fasting person in the month of *Ramadan* travels by air in a westerly direction after *maghrib* -- without breaking (*iftar*) his fast in his city -- and arrives at a place where the sun has not yet set, is it obligatory for him to abstain from things (that break the fast) until *maghrib*?

A: Apparently, it is not obligatory although it is a better precaution. (MS, p. 464, Q80)

Q46: What about one whose duty is to fast while travelling. If he travels from his city, in which the crescent of *Ramadan* has been seen, to a city where the crescent has not yet been seen because of a variation in their horizon?

A: He is not obligated to fast on that day. (MS, p. 466, Q87)

Q47: What if he observes the *Eid* in a city in which the crescent of *Shawwal* has been seen, and then travels to a city where the crescent has not been seen due to a variation in their horizon?

A: It is a better precaution for him to abstain (from things that break the fast) for the rest of the day and, also, to observe its *qada*. (MS, pp. 466-67, Q87)

Boundaries of a City

Q48: There are extended cities with adjoining borders and sides which, in the past, were reckoned to be separate cities, but after prosperous growth, became one city. Do you regard them as one or several cities? A person travels from the farthest point in the East (of the city) with the intention of travelling to another place, and the time for prayer comes when he is at the farthest westerly point (of the city). He wishes to pray. Should he pray *qasr* or does he pray complete? And similarly, if he returns from a journey to the outskirts (of the city), and the time for prayer comes, does he pray *qasr*, or complete? What about the person who is fasting, and leaves (the city) or returns to it?

A: The hypothetical cities all count as one. The rulings of separate cities does not actually apply to this case. True, the rule with respect to computing the distance is from the point at which the term "traveller" (*musafir*) becomes applied to someone. Were this city truly one of the larger cities and the term ("traveller") is applied upon the exit of a person from his zone or area of residence, even if it is deemed to be inside the city, then the ruling of "traveller" applies on him. And the distance would be computed from this point, which is considered *hadd al-tarakhkhus* with respect to that person. If the term ("traveller") does not apply to him unless he leaves the (larger) city, then the last region of the city is to be counted as the beginning for distance measurement with respect to him. God knows best. (MMS, p. 32, Q64)

Exhumation of Grave

Q49: Is it permissible to excavate the grave of the deceased if it does not entail disrespect for the deceased?

A: It is not permissible except for special purposes that have been explained in the books of *fiqh*, such as cases of dire necessity. (FM, p. 420)

Q50: In a previous question (Q26), we informed your eminence about the

differences among the Muslims regarding the direction of the *qiblah*. What is the ruling on one who was buried facing a direction adopted at the time of burial and then (the direction) was changed after the burial, given that exhumation and identification of those buried in the previous direction or the new direction would entail great hardship?

A: In response to the question, it is not obligatory to execute the change. (MMS, p. 11, Q2)

Khums

Q51: A person buys a garment for an occasion. After wearing it, he puts it away and a year passes without it being worn a second time. Is *khums* obligatory on it? Likewise, (is *khums* obligatory) with respect to jewelry temporarily used and then set aside for more than a year without being used?

A: If the garment is of the type customarily prepared for similar occasions in the years that follow, then *khums* is not obligatory. Otherwise, based on obligatory precaution, *khums* applies to it. The same situation applies to jewelry. God knows best. (MMS, p. 18, Q22)

Q52: Is *khums* obligatory for furnishings that the mother prepares for her daughter [like marital gifts] when a number of years elapse before they come into use?

A: *Khums* is not obligatory on them if not preparing [the marital gifts] gradually damages her prestige, because it would not be easy for her to prepare them at the time of her marriage. God knows best. (MMS, p. 18, Q23)

Q53: If one year elapses on bank shares, is it obligatory to pay *khums* on them? If it is obligatory, then is it based on the actual value or purchase price?

A: It is obligatory to pay *khums* on the actual value. (MMS, p. 34, Q67)

Q54: A person builds a house on land for which he has paid *khums*. During the construction of this house a year or more elapses. He has spent money for one or two years while building it (the house), knowing that he does not own any home besides this one. Is it obligatory for him to pay *khums* for this house? If it is obligatory, then is the *khums* calculation based on all the expenditures in building the house, is it based on the market value of the house or is it enough to negotiate with *al-hakim al-shar'i*?

A: He should evaluate the house (excluding the land) and take out *khums* on its value except with regard to the money expended in the year in which he takes up residence in it (home), for there is no *khums* on it. (MMS, p. 34, Q68)

Q55: A person builds a house by borrowing money, repaying the state bank in installments. He decides to settle (with *al-hakim al-shar'i*) on the *khums* of the house, knowing that this house is not part of his necessary (annual) provision (*ma'unah*). Is there any *khums* on these installments that he has paid to the bank?

A: On the supposition of the question, *khums* will be applied on the house at the end of the year on the total present value (of the house) if he has paid all his loans; however, if he has paid only part of it, then it is applied to that proportion. (MMS, pp. 34-35, Q70)

Charity

Q56: Is it permissible to set aside charity money in a specific place, with the intention of charity, and then to give it to the poor? Can one change it with another currency?

A: The money does not become a recommended charity by mere separation. (MMS, p. 35, Q72)

Hajj

Q57: A man who is financially able in a particular year is prevented from travelling because he could not obtain a visa to perform the *hajj* in that year. Then, he is forced to spend the money which was set aside for *hajj*, after the season, to fulfill his living needs. Thereafter, he is not able to obtain the money needed to perform the *hajj*.

A: If he acquires the ability in later years, then *hajj* is obligatory for him, and if he does not acquire the ability, then it is not obligatory for him. (FM, pp. 403-4)

Q58: What if I am able to perform *hajj* this year while I am a student at the University or high school and it happens that the time of travelling for *hajj* conflicts with my final exams such that the trip for *hajj* would lead to my failure and loss of a school year, which causes me extreme material and emotional difficulty.

A: As long as your travel for *hajj* causes you extreme difficulty as you said, it is permissible for you to abandon the *hajj* for that year. (FM, p. 404)

Q59: From which direction should one throw pebbles at *jamratu-l-'aqabah* (in Mina)?

A: Stone it from the front [because it is not permissible to stone it from the back]. (FM, p. 404)

Q60: What is the ruling on one who enters the state of *ihram* from Jeddah, instead of Johfah, because of ignorance?

A: If he made a *nadhr* for the *ihram* in Jeddah, then his *ihram* is valid. (FM, p. 404)

Q61: Is one permitted after *tawaf* and *sa'y*, to cut the hair (*taqsir*) of someone else who has requested him to do so, before cutting his own?

A: It is not permissible for one to attend to the *taqsir* of others before his own. (FM, p. 404)

II - mu'amalat

1. Interest (*riba*)

Q62: What is the ruling on depositing money in banks sponsored by Muslim and non-Muslim governments, with the stipulated condition of receiving interest?

A: Depositing in banks of non-Muslim countries is permissible in every case, even if it is under the stipulated condition of obtaining interest. As for depositing in government banks of Muslim countries under the stipulated condition of obtaining interest, then it is prohibited. But, if it is without this condition, then the issue is free of interest (*riba)* but it is not permissible to spend the acquired money without referring to *al-hakim al-shar'i* or his representative. (FM, p. 405)

Q63: Is there a difference here between the principal and interest which the banks (in Muslim countries) give to the depositor?

A: No, there is no difference between them. One is not permitted to spend from anything taken from government banks in Muslim countries except by referring to *al-hakim al-shar'i* or his representative. (FM, p. 405)

Q64: If I know that the bank will give me interest even without stipulating the conditions, is it permissible for me to deposit in a savings account that takes the form of a term-deposit?

A: Yes, it is permissible, as long as you do not stipulate the conditions of interest. (FM, p. 406)

Q65: Is it permissible to take interest from unbelievers, especially for those who live in their countries?

A: Yes, apparently one is allowed to take interest from the unbelievers, whose property is not honored. God knows best. (MMS, p. 27, Q49)

Q66: A national bank (in a Muslim country) offers a project to its clients in which a person deposits a sum of money in the order of 1,000 dirhams as a

deposit which can be withdrawn at any time. It announces that after a period of time, a lottery will be drawn and the bank will grant a specific gift to the investors. Is it permissible to deposit with this intention?

A: Depositing with the condition of a gift is usury and therefore prohibited. By condition is meant to make the deposit with the requirement that the bank should give the gift. But the mere knowledge that the bank will grant it (gift) does not harm the permissibility of investing and the lawfulness of the granted gift. God knows best. (MMS, p. 36, Q76)

Q67: A person does not own a house to reside in. Is it permissible for him to borrow from government banks with interest for the purpose of building his own house?

A: It is not permissible to borrow with the condition of interest for any reason, but it is permissible to take the money from it (bank), though not with the intention of a loan, and to legitimize its spending by referring to *al-hakim al-shar'i* or his representative. (FM, pp. 406-7)

Credit Cards

Q68: Some banks distribute cards free of charge or for a defined price such that:

1. It is possible to withdraw any amount from the bank without interest except for service charges for the bank machine.

2. If he (user) delays repayment by a month, then he is charged interest under the title of "late payment" and similar items.

What is the ruling for this in the event where repayment is delayed or otherwise?

A: There is no objection to withdrawing the amount with the intention of "unknown owner" (*majhul al-malik*), and not as a loan; it can be corrected by obtaining permission as mentioned in response No. 69 (see next page). The person's knowing that the bank will demand repayment of the principal and interest does not impair this, and when the bank requests it (repayment), it should be made to it. (MMS, p. 31, Q61)

Q69: Do you not give your followers (*muqallids*) a general authorization to

dispose of and deal with "unknown owner's" property, and other transactions in it, by taking possession of the money from government or jointly-owned (private and government) banks without having to refer to *al-hakim al-shar'i* or his representative to rectify it, for the ease and facility for the believers? May Allah support and honor you.

A: Yes, we have allowed the believers -- may they succeed in attaining the Exalted Allah's pleasure -- to accept, through legal means from government or jointly-owned institutions, by taking possession of it (property) on behalf of those commissioned among the poor with the intention of performing acts of charity upon them (the poor). Then, they (the believers) can own it for themselves. This applies to salaries and the like. As for interest and the like, they are allowed to own half of it along the lines outlined, on the condition that they give in charity (*sadaqah*) the other half to the religiously-devout poor. (MMS, pp. 32-33, Q65)

Buying and Selling Shares

Q70: What about buying and selling the shares of incorporated companies or others?

A: It is permissible to buy and sell shares of any kind of corporation on the condition that the transactions of this company do not engage in prohibited activities such as dealing in intoxicants or interest (*riba*). (FM, p. 408)

Insurance Policies

Q71: What about insurance policies for people on their life or for other unforeseen events or for properties such as airplanes, cars, ships, or for fire or drowning, etc?

A: All of them are valid and there is obligation on both parties. (FM, p. 409)

Copyright

Q72: If the phrase "rights of publication are reserved to the author or publisher" is written on some publications, is it obligatory to abide by the content of this phrase? And with the supposition that it is mandatory, is it permissible to print them (publications) if public welfare or religious betterment depends on it?

A: Abiding by it (the phrase) is not obligatory, but it is preferable to seek permission,

especially from the author. God knows best. (MMS, p. 28, Q55)

Found Property

Q73: Property that I find in public places like the street, market, airport, train station, harbor or taxi and whose owner I am sure there is no possibility of finding.

A: Give it to charity on his behalf. (FM, pp. 420-21)

Q74: What if a child finds a big sum of present-day currency?

A: If there is no particular description that would make it possible to find its owner and return it to him, then the guardian of the child is permitted to take it and keep it for him. Otherwise, it is obligatory to find out who (the owner) is as I mentioned to you in a previous dialogue. (FM, p. 421)

Working, Selling or Presence in Places that Sell Non-Ritually Slaughtered Meat, Alcoholic Beverages and Pork

Q75: Is it permissible for a Muslim to cook that which was not slaughtered in the Islamic manner, knowing that he has no connection to selling or serving it? What is the ruling with respect to serving food that is ritually impure [not slaughtered in the Islamic manner] or conveying it to non-Muslims? Is there a difference in this between pork and other things?

A: There is no objection to cooking that which is not slaughtered in the Islamic manner or serving it to those who regard it as lawful. However, it is problematic to sell it to them. But there is no objection to taking the money in return for the Muslim seller's relinquishment of his right over it (foodstuff). Alternatively, by rescuing (*istinqadh*) it (i.e. money from a non-Muslim). As for pork, it is problematic to serve to those who regard it as lawful and without a doubt disallowed for sale. God knows best. (MMS, pp. 12-13, Q8)

Q76: Is it permissible for a Muslim to work in a restaurant that serves meat that is not slaughtered in the Islamic manner?

A: Its permissibility is not unlikely in the case where it is being served to one who considers it lawful. Rather, it is absolutely (permissible) as long as the status of the meat is made known to him, if there is a possibility of influencing him to avoid its consumption. If not, it is not obligatory. (MMS, p. 23, Q36)

Q77: Is it permissible to work in a restaurant that serves pork and alcoholic beverages? If it is not permissible, does the ruling also apply to washing dishes and similar things there?

A: Serving alcoholic beverages to others is prohibited even if the one to whom they are served considers them lawful. It is the same for washing dishes if they serve the purpose of drinking alcoholic beverages in them or serving them (the dishes) to the drinker. The permissibility of serving pork to someone who considers it lawful is not unlikely although selling it is without a doubt disallowed. And a Muslim hiring himself out for a forbidden task is rendered invalid and the taking of wages for this is prohibited. There is no objection to taking possession (of money) in return for work done as a means of rescuing it from someone whose wealth is not honored. (MMS, p. 22, Q34)

Q78: Is it permissible for a Muslim to work in shops that sell alcoholic beverages or in places of entertainment without serving alcoholic beverages or doing other forbidden things, such as cleaning dishes or arranging the chairs and similar activities?

A: This is not permissible in shops that sell alcoholic beverages and, based on obligatory precaution, he should refrain also from places of entertainment. (MMS, pp. 23-24, Q38)

Q79: Is it permissible for a Muslim to work in a grocery store that sells alcoholic beverages in one of its corners if his job is only that of a cashier?

A: It is permissible to accept the value of (commodities) other than alcoholic beverages, and likewise the value of alcoholic beverages, if both the buyer and seller are non-Muslims. (MMS, p. 25, Q44)

Q80: What is the ruling on the wages that a worker claims from these kinds of restaurants? Are they considered to be from property that is mixed with the unlawful, as it in fact is; or are they considered lawful for the worker since the wages are for lawful work?

A: With regard to wages that a Muslim receives from non-Muslims in return for work that they (non-Muslims) consider lawful, the ruling is that they are lawful even if he has acquired them through unlawful transactions according to our *shari'ah*, so long as these (transactions) are lawful for them (non-Muslims), like selling alcoholic beverages and pork to non-Muslims. And these kinds of wages are not considered to be mixed with the unlawful on which *khums* is obligatory. (MMS, p. 23, Q37)

Q81: Is it permissible for a Muslim to be present in gatherings where alcoholic beverages are served?

A: Eating and drinking in these gatherings is prohibited. As for mere presence, its prohibition is based on obligatory precaution. There is no objection to it if the aim is to prevent others from reprehensible actions, if one is able to do so. (MMS, p. 25, Q43)

Q82: Selling the meat of inedible animals like rabbit to those whose school of law (*madhhab*) permits its

consumption.

A: It is permissible. (FM, p. 412)

Shopping

Q83: Is it permissible for a person to buy from shops owned by Hindus if he knows that their owners help their community against the Muslims?

A: It is not permissible if this contributes in their aggression against the Muslims. God knows best. (MMS, p. 18, Q20)

Imported Meat, Fish, Cheese and Gelatine

Q84: Is it permissible to eat, buy and sell imported chickens from Muslim countries on which is written the phrase "slaughtered in the Islamic manner"?

A: It is permissible for you to eat, buy and sell them as long as you do not know that they were not slaughtered (in the Islamic manner), whether the previously mentioned phrase is written on them or not. (FM, p. 413)

Q85: And if these (chickens) are imported from non-Muslim countries and written on them is the phrase "slaughtered in the Islamic manner"?

A: It is not permissible for you to eat them if you are not confident that they have truly been slaughtered in the Islamic manner and not just claimed to be. (FM, p. 413)

Q86: The bodies of some types of fish are not fully covered with scales. Is it permissible to eat them?

A: Yes, it is permissible for you to eat them if they have but a single scale. (FM, p. 414)

Q87: Is it permitted for us to eat canned fish imported from some European countries and America when we are not absolutely sure of its lawfulness from two perspectives? First, we are not sure of the presence of scales, although the name of the fish indicated on the can wrapping is from those that have scales. The exporting countries for these types of canned items follow the strict laws enforcing the agreement between the item description on the packaging and the actual contents of the can. Second, we do not know about the certainty of its (fish) having been captured outside the water alive or of its having died in the fishing net. However, it is known that such fish are caught by modern fishing vessels which allow the extraction of the fish from the water in a live state, and it is very rarely mixed with any dead (fish).

A: If one can be confident as to its lawfulness -- even with the two observations above -- then one is permitted to eat it; if not, it is not permissible. (FM, p. 414)

Q88: What about imported cheese from non-Muslim countries, if I do not exactly know the way it was made and its ingredients?

A: It is permissible for you to eat it. (FM, pp. 413-14)

Q89: (In the case of) imported cheese from non-Muslim countries, if it is known to contain rennet (*anfahah*) from a calf or a young goat, or an animal enzyme, is it permissible to consume it?

A: There is no objection if it contains the first two, and likewise for the third (animal enzyme) if it is consumed; unless it is known that it was taken from one that was not slaughtered in the Islamic manner. God knows best. (MMS, p. 17, Q18)

Q90: Gelatine substance is normally made from the bones of a cow. If it is taken from animals not slaughtered in the Islamic manner, with the knowledge that it is not permissible to eat it, is it ruled to be ritually pure for external usage?

A: Yes, because the bone is from the part in which life does not dwell; therefore, it is ritually pure, even if it were from a dead (animal). God knows best. (MMS, p. 36, Q75)

Meat from Muslim Markets

Q91: Here there are many restaurants in the Muslim markets that offer meat to their customers.

A: It is permissible for you to eat their meat. (FM, p. 414)

Q92: . . . even without asking the owner of the restaurant about it?

A: Yes, it is permissible for you to eat it and there is no need to ask the owner of the restaurant about it, just as there is no need to ask about the religion of the employees in the restaurant. (FM, p. 414)

2. Marriage and Divorce

Q93: Civil divorce between a man and a woman is finalized according to Western laws, but the man refuses to grant *shar'i* divorce or provide maintenance to his wife, and refuses to accept *shar'i* mediation. What is the position of the wife knowing that her patience in this situation is absolutely a cause of hardship?

A: Her case should be taken to *al-hakim al-shar'i* or his representative who would advise the husband to abide by one of the two options -- either he provide maintenance or implement the *shar'i* divorce -- even if it is through a representative other than himself. If he refuses both options and it is not possible to provide maintenance for her from his property, then the *hakim* or his representative can divorce her. (MMS, p. 26, Q47)

Q94: Is it permissible to have a sexual relationship without a *shar'i* contract with women who are unbelievers from People of the Book, or without a religion, knowing that the government and state of their country are in a state of war with the Muslims, either directly or indirectly?

A: That is not permissible. (MMS, pp. 26-27, Q48)

Masturbation

Q95: You mentioned in a previous dialogue that masturbation is forbidden. Are the male and female alike in this ruling?

A: Yes. As it is forbidden for the man to titillate his genitalia until he ejaculates, so too it is not permissible for the woman to titillate her genitalia to orgasm. (FM, p. 431)

Q96: Certain illnesses require that the doctor may request the patient's semen for examination, and discharging it by the *shar'i* way is difficult because it must be discharged in the presence of the doctor.

A: If the patient is in dire need to do so, then he is allowed. (FM, pp. 431-32)

Q97: If a person desires to test his ability to have children and the doctor asks him to discharge the semen to examine it.

A: As long as he is not obliged to do that, it is not permissible for him to masturbate. (FM, p. 432)

Q98: A man cannot impregnate [sterile] and asks the doctor to determine the reason for his sterility through an examination of his sperm. The emission (of such semen) is obtained by the use of an instrument attached to his genitals and, by its movements, causes a discharge. Is this to be considered as masturbation and thus forbidden, or is it allowed for the purpose of the examination? And does it matter whether the patient is in difficulty or is acting out of necessity?

A: Yes, it is considered as masturbation. It is not allowed unless the examination requires it. It is equally so for reliance upon that except under the previous two situations [difficulty and necessity], assuming, as does your question that some definitive result can be determined from it. God knows best. (MMS, p. 14, Q11)

Sexual Fantasy

Q99: Thinking intentionally about women other than one's wife with an image in mind of having sexual intercourse, if the penis becomes erect without discharge of semen.

A: It is not prohibited if it does not lead to a forbidden act. (FM, p. 431)

Looking at *non-mahram* Women

Q100: These days women go out on public streets while some parts of their body that should be covered are exposed. Is it permissible to look at them without lust and sexual pleasure?

A: Yes, this is permissible if they do not desist from exposing themselves if asked to do so. (FM, p. 430)

Mixed Swimming Pools

Q101: Is a Muslim permitted to go to mixed swimming pools [men and women] without a suspicious motive, especially when they (women) remove the dress of modesty from themselves and would not desist if asked to do so?

A: Although looking without a suspicious motive and lust at those who are scantily

dressed and would not desist if asked to do so is permissible, presence in these places of moral depravity is absolutely not permissible based on precaution. (MMS, p. 25, Q45)

Statues, Portraits and Films

Q102: Is it permissible to make a statue in the shape of a human being or an animal?

A: [No, it is not permissible]. (FM, p. 410)

Q103: What about drawing of human or animal portraits that are not three-dimensional?

A: It is permissible. (FM, p. 410)

Q104: What about buying and selling statues of human beings and animals, and displaying them for decoration?

A: It is permissible as well. (FM, p. 410)

Q105: Some students of the faculty of fine arts study sculpturing and similar things relating to corporeal objects of creation that possess souls. If they refuse to participate in making them, then they will be prevented from passing and graduating from the faculty. Is it permissible for them to do that?

A: Being denied success if they abandon it (i.e. refuse to participate in this activity) is not an appropriate justification for committing this act [which is forbidden by *shari'ah*]. (FM, p. 434)

Q106: Stuffing animals and placing them in the reception area or the living room for the purpose of decoration.

A: It is permissible (FM, p. 412)

Q107: Is it permissible to hang portraits of the Prophet (S), and Imams (a.s.) in the house? Is it correct to believe that they are their (a.s.) pictures?

A: It is permissible to hang them. But to believe that they (portraits) are in accordance with them (a.s.) is certainly a wrong belief. (FM, p. 418)

Q108: Some directors release historical films about the Prophet (S) or the Imams (a.s.). Is it permissible to represent the noble Prophet (S) before the people in his role as the Prophet (S), or to represent the Imam (a.s.) in his role as the Imam (a.s.)? If the answer is in the affirmative, is it necessary for the one representing them to be a believer (*mu'min*)?

A: It is permissible to represent them (a.s.) provided that it does not impugn their noble station and sacred personalities -- be it in the future -- in the eyes of the people. It is quite likely that the attributes and characteristics of the one playing the role will have some influence in this. (FM, pp. 418-19)

Hijab

Q109: Giving a film, to a *non-mahram* man for developing and printing, that contains pictures of women who observe *hijab* but are unveiled (in the photos).

A: This is permissible if the one who will develop and print the pictures does not know the women pictured in the film, and such pictures are not suggestive or will not cause any attraction. (FM, p. 420)

Q110: Is she allowed to have a picture of herself taken without the *hijab* to place on a passport, for example?

A: If she is forced to place the uncovered picture on her passport or other official documents, then it is permissible. But, the one who takes her picture must be her husband or her *mahram*. However, should the need arise, it is permissible for her to have the picture taken by a *non-mahram* photographer. (FM, p. 420)

Q111: How about a woman who comes out in public and the upper part of her feet are exposed to the sight of *non-mahram*?

A: This is not permissible for her. (FM, p. 430)

Q112: Some husbands who are not religiously committed demand that their wives neglect prayers, remove the *hijab*, serve alcoholic beverages to guests, participate in gambling games, shake hands with guests, etc., forcing them (wives) to do it if they refuse. Is it permissible for the wife to leave his house in order to preserve her *shar'i* obligatory duties?

A: Yes, it is permissible for the wife to leave his house at that time to the extent required by the circumstances, and in spite of that, she is entitled to full maintenance. (FM, p. 427)

Q113: A woman faithfully observes the *hijab* but her husband prevents her from this and gives her a choice between abandoning the *hijab* and divorce.

A: It is not permissible for her to abandon her *hijab* even if the matter ends in divorce. (FM, pp. 427-28)

Q114: But divorce would entail for some of them (women) great difficulty, distress and hardship.

A: She should endure the difficulty and hardship, and recollect His saying, the Exalted: "...and whoever is careful of (his duty to) Allah, He will make for him an outlet, and give him sustenance from whence he thinks not..." (Qur'an, 65:2-3). (FM, p. 428)

Beard

Q115: Some men shave their beard and leave some hair on the chin alone. Is this sufficient by the *shari'ah*?

A: [It is not sufficient]. (FM, p. 434)

Cosmetics

Q116: It is normal these days for a woman to put on mascara and make-up, wear rings, necklaces and bracelets for beauty and then go out in front of people in the markets and streets.

A: This is not permissible for her except for mascara and rings provided that she is safe from falling into forbidden activities and does not intend by it to excite *non-mahram* men. (FM, p. 430)

Q117: Is it permissible for a woman to go out of her house for some errands perfumed, with the fragrance of her perfume reaching *non-mahram* men?

A: She ought not do that. It is not permissible if it tempts a *non-mahram* man or normally causes him excitement. (FM, p. 439)

Miscellaneous Rulings Pertaining to Women

Q118: Is it permissible for a woman to learn to drive a car with a *non-mahram*

man, which necessitates being alone with him and going with him to places appropriate for practice, when these places are normally free from traffic?

A: This is permissible for her provided that she is safe from falling into a forbidden activity. (FM, pp. 419-20)

Q119: Is it permissible for a woman to look at the parts of the body of another woman between the waist and knees with the exception of the anterior and the posterior?

A: Yes this is permissible for her if there is no physical excitement. (FM, p. 428)

Q120: Embracing and kissing of women among themselves at airports, on public streets, in parks and at markets.

A: Embracing and kissing of women among themselves is permissible provided that it does not lead to a forbidden act. (FM, p. 430)

Q121: Does all fluid which issues forth from a woman during the state of passion or sexual arousal require performance of *ghusl* for her? Or are there distinguishing characteristics for it as some *ulama* have indicated? Does her *ghusl* exempt her from performing *wudu'*?

A: It is obligatory for her to perform *ghusl* when the fluid is discharged in a state of passion without regard to other characteristics -- like languor -- and it exempts her from *wudu'*. God knows best. (MMS, p. 20, Q27)

Q122: Is it permissible for a Muslim woman to display her hair in front of a non-Muslim woman?

A: That is permissible, but it is discouraged (*makruh*) if it is highly probable that she (non-Muslim) will describe the beauty of the Muslim woman to her husband. (MMS, p. 35, Q71)

Q123: Following the death of a beloved, women wear black as a sign of grief and beat their faces, chests, etc. Is that permissible?

A: Yes, that is permissible. (FM, p. 439)

3. Rights of Parents

Q94: Is it permissible to have a sexual relationship without a *shar'i* contract with women who are unbelievers from People of the Book, or without a religion, knowing that the government and state of their country are in a state of war with the Muslims, either directly or indirectly?

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Looking at *non-mahram* Women

Q100: These days women go out on public streets while some parts of their body that should be covered are exposed. Is it permissible to look at them without lust and sexual pleasure?

A: Yes, this is permissible if they do not desist from exposing themselves if asked to do so. (FM, p. 430)

Mixed Swimming Pools

Q101: Is a Muslim permitted to go to mixed swimming pools [men and women] without a suspicious motive, especially when they (women) remove the dress of modesty from themselves and would not desist if asked to do so?

A: Although looking without a suspicious motive and lust at those who are scantily dressed and would not desist if asked to do so is permissible, presence in these places of moral depravity is absolutely not permissible based on precaution. (MMS, p. 25, Q45)

Statues, Portraits and Films

Q102: Is it permissible to make a statue in the shape of a human being or an animal?

A: [No, it is not permissible]. (FM, p. 410)

Q103: What about drawing of human or animal portraits that are not three-dimensional?

A: It is permissible. (FM, p. 410)

Q104: What about buying and selling statues of human beings and animals, and displaying them for decoration?

A: It is permissible as well. (FM, p. 410)

Q105: Some students of the faculty of fine arts study sculpturing and similar things relating to corporeal objects of creation that possess souls. If they refuse to participate in making them, then they will be prevented from passing and graduating from the faculty. Is it permissible for them to do that?

A: Being denied success if they abandon it (i.e. refuse to participate in this activity) is not an appropriate justification for committing this act [which is forbidden by *shari'ah*]. (FM, p. 434)

Q106: Stuffing animals and placing them in the reception area or the living room for the purpose of decoration.

A: It is permissible (FM, p. 412)

Q107: Is it permissible to hang portraits of the Prophet (S), and Imams (a.s.) in the house? Is it correct to believe that they are their (a.s.) pictures?

A: It is permissible to hang them. But to believe that they (portraits) are in accordance with them (a.s.) is certainly a wrong belief. (FM, p. 418)

Q108: Some directors release historical films about the Prophet (S) or the Imams (a.s.). Is it permissible to represent the noble Prophet (S) before the people in his role as the Prophet (S), or to represent the Imam (a.s.) in his role as the Imam (a.s.)? If the answer is in the affirmative, is it necessary for the one representing them to be a believer (*mu'min*)?

A: It is permissible to represent them (a.s.) provided that it does not impugn their noble station and sacred personalities -- be it in the future -- in the eyes of the people. It is quite likely that the attributes and characteristics of the one playing the role will have some influence in this. (FM, pp. 418-19)

Hijab

Q109: Giving a film, to a *non-mahram* man for developing and printing, that contains pictures of women who observe *hijab* but are unveiled (in the photos).

A: This is permissible if the one who will develop and print the pictures does not know the women pictured in the film, and such pictures are not suggestive or will not cause any attraction. (FM, p. 420)

Q110: Is she allowed to have a picture of herself taken without the *hijab* to place on a passport, for example?

A: If she is forced to place the uncovered picture on her passport or other official documents, then it is permissible. But, the one who takes her picture must be her husband or her *mahram*. However, should the need arise, it is permissible for her to have the picture taken by a *non-mahram* photographer. (FM, p. 420)

Q111: How about a woman who comes out in public and the upper part of her feet are exposed to the sight of *non-mahram*?

A: This is not permissible for her. (FM, p. 430)

Q112: Some husbands who are not religiously committed demand that their wives neglect prayers, remove the *hijab*, serve alcoholic beverages to guests, participate in gambling games, shake hands with guests, etc., forcing them (wives) to do it if they refuse. Is it permissible for the wife to leave his house in order to preserve her *shar'i* obligatory duties?

A: Yes, it is permissible for the wife to leave his house at that time to the extent required by the circumstances, and in spite of that, she is entitled to full maintenance. (FM, p. 427)

Q113: A woman faithfully observes the *hijab* but her husband prevents her from this and gives her a choice between abandoning the *hijab* and divorce.

A: It is not permissible for her to abandon her *hijab* even if the matter ends in divorce. (FM, pp. 427-28)

Q114: But divorce would entail for some of them (women) great difficulty, distress and hardship.

A: She should endure the difficulty and hardship, and recollect His saying, the Exalted: "...and whoever is careful of (his duty to) Allah, He will make for him an outlet, and give him sustenance from whence he thinks not..." (Qur'an, 65:2-3). (FM,

p. 428)

Beard

Q115: Some men shave their beard and leave some hair on the chin alone. Is this sufficient by the *shari'ah*?

A: [It is not sufficient]. (FM, p. 434)

Cosmetics

Q116: It is normal these days for a woman to put on mascara and make-up, wear rings, necklaces and bracelets for beauty and then go out in front of people in the markets and streets.

A: This is not permissible for her except for mascara and rings provided that she is safe from falling into forbidden activities and does not intend by it to excite *non-mahram* men. (FM, p. 430)

Q117: Is it permissible for a woman to go out of her house for some errands perfumed, with the fragrance of her perfume reaching *non-mahram* men?

A: She ought not do that. It is not permissible if it tempts a *non-mahram* man or normally causes him excitement. (FM, p. 439)

Miscellaneous Rulings Pertaining to Women

Q118: Is it permissible for a woman to learn to drive a car with a *non-mahram* man, which necessitates being alone with him and going with him to places appropriate for practice, when these places are normally free from traffic?

A: This is permissible for her provided that she is safe from falling into a forbidden activity. (FM, pp. 419-20)

Q119: Is it permissible for a woman to look at the parts of the body of another woman between the waist and knees with the exception of the anterior and the posterior?

A: Yes this is permissible for her if there is no physical excitement. (FM, p. 428)

Q120: Embracing and kissing of women among themselves at airports, on

public streets, in parks and at markets.

A: Embracing and kissing of women among themselves is permissible provided that it does not lead to a forbidden act. (FM, p. 430)

Q121: Does all fluid which issues forth from a woman during the state of passion or sexual arousal require performance of *ghusl* for her? Or are there distinguishing characteristics for it as some *ulama* have indicated? Does her *ghusl* exempt her from performing *wudu'*?

A: It is obligatory for her to perform *ghusl* when the fluid is discharged in a state of passion without regard to other characteristics -- like languor -- and it exempts her from *wudu'*. God knows best. (MMS, p. 20, Q27)

Q122: Is it permissible for a Muslim woman to display her hair in front of a non-Muslim woman?

A: That is permissible, but it is discouraged (*makruh*) if it is highly probable that she (non-Muslim) will describe the beauty of the Muslim woman to her husband. (MMS, p. 35, Q71)

Q123: Following the death of a beloved, women wear black as a sign of grief and beat their faces, chests, etc. Is that permissible?

A: Yes, that is permissible. (FM, p. 439)

3. Rights of Parents

Q124: What is the degree to which a child is obligated to obey the orders of his parents?

A: Islam makes it incumbent on the child to deal with his parents with kindness (*husna*). (FM, p. 435)

Q125: Is it recommended (for a child) to obey his parents in everything, even in matters of daily life, as when the father says to his child "eat this fruit" or "sleep at 10 o'clock" or similar things?

A: Yes, this is recommended for him (the child). (FM, p. 435)

Q126: If the father prohibits his child from doing a certain thing that may bring

harm to his child if he does it, knowing that in the opinion of his child this assessment is incorrect.

A: It is not permissible to oppose the father in such a situation because he will suffer from his opposition on account of his (the father) affection for him (the child). (FM, p. 435)

Q127: If a father says to his child: "I know that there is no danger involved in your trip, my child, but your separation from me, your absence and the distance are really hard for me to bear and cause me suffering; it is for this reason that I forbid you to travel."

Follow up: Before I respond, let me ask you this question. If the child obeys his father and does not travel, will the cancellation of such a trip hurt him in any way?

Response: Absolutely not. The child will not suffer in any way, but he will be prevented from fulfilling his wish.

A: In this case then, it is not permissible for him to go on the trip, as long as such travel causes his father suffering. (FM, pp. 435-36)

Q128: Is it permissible for the parents to utilize the wealth of their child who has not attained the age of puberty (*non-baligh*)?

A: It is permissible for the father if its utilization is not to the detriment of the child. As for the mother, she is not allowed to utilize his (her child) wealth without the permission of the father or paternal grandfather. If one of them permits her and it is not detrimental to the child, then it is permissible. But, if it brings harm to their child, then it is not permissible; rather, it is obligatory for them to protect his wealth until he is grown up. (FM, p. 417)

Gifts for New-Born

Q129: Some gifts are offered to the family on the occasion of the birth of a child, normally in the form of gold jewelry, food, or money. Are they for the new-born or his parents?

A: The gifts differ in these cases. Some are indicated to be for the new-born, for example, gold jewelry appropriate for the baby. These are meant for him. Others are of benefit to someone other than the baby, for example, food and similar items, which are meant for the parents. It seems apparent that money placed under the pillow of the new-born or slipped into his clothes is considered of the first category and thus

belongs to the new-born himself. (FM, p. 417)

Disciplining Children

Q130: Is it permissible to beat pupils in school and is it obligatory to obtain the consent of the guardian of the pupil to be beaten?

A: It is permissible to beat pupils if they bother others or are committing forbidden acts -- but with the permission of the guardian -- three strikes [no more]. The beating must be done in a gentle manner such that it does not cause redness on the body, otherwise *diyah* will be obligatory. (FM, pp. 433-34)

4. Organ Donation

Q131: Is it permissible to donate the eye or kidney of a living human being for another?

A: It is not permissible to donate the eye. As for donating a kidney, for one who has another healthy one, it is permissible. (FM, p. 415)

Q132: Some people stipulate in their will that some organs of their body may be removed after death for the purpose of transplantation in the body of another human being in need of them. Is this kind of will correct, and is it permissible to excise those parts (of the body) in such a case?

A: [Certainly not. It is not correct and is not permissible] if the testator is a Muslim, except if the life of another Muslim depends on this, then it is permissible even if the donor has not made such a will. But [the *diyah* will be obligatory on the one who does the excision] except where it is done according to a will, in which case there is no *diyah* on him. (FM, pp. 415-16)

Post-Mortem Examination

Q133: Dissection of a corpse after death, if it is done for a reasonable purpose such as criminal investigation, teaching of medicine or similar purposes.

A: It is not permissible to dissect a Muslim corpse for these kinds of reasons. The dissecting of the body of an unbeliever whose blood is not protected during his lifetime is permissible, and likewise when the protection of his blood is doubtful, if there is no *shar'i* sign of it being so (protected). (FM, p. 416)

Artificial Insemination

Q134: Semen is taken from the husband and injected into his wife with a needle or by other means.

A: It is permissible as such. (FM, p. 432)

Q135: Is it permissible to inject it (semen) into a woman who is not his wife?

A: No, it is not permissible. (FM, p. 433)

Q136: The husband's sperm and the wife's egg are taken and fertilization is completed in a test-tube, then the egg is returned to the wife's womb.

A: This is also permissible as such. (FM, p. 433)

Q137a: The sperm of the husband and the egg of another woman who is not his wife are taken for fertilization, then are transferred to the wife's womb.

A: This is also permissible as such. (FM, p. 433)

Q137b: To whom is the child attributed in the latter case? To the provider of the egg or to the woman in whose womb it reached full-term. I mean, who would be his genealogical mother?

A: There are two possible responses to this question, and it is necessary to exercise precaution between both of them. (FM, p. 433)

Q138: An egg is taken from a woman and fertilized with the sperm of a man other than her husband, then it is returned to her womb.

A: It is necessary to avoid that. (FM, p. 433)

Q139: Sperm was taken from a man for the purpose of impregnating his wife. By coincidence, the husband died and after his death the sperm was implanted into the womb of his widow who bore a child. What is the ruling with respect to the status of the child and his entitlement to inheritance?

A: The child is to be attributed to the donor of the sperm, but based on this hypothetical question, he does not inherit from him (the father). God knows best. (MMS, p. 15, Q14)

Abortion

Q140: It is easy to abort the foetus in the early phase of pregnancy. Does the mother have a right to abort it?

A: Certainly not, this is not permissible except if she is harmed by the presence of the foetus in her womb, or if its presence causes her difficulty to a degree that is not normally tolerable. (FM, p. 430)

Q141: In recent times, due to modern scientific instruments, it has become possible to know the situation of the foetus, whether it is suffering from any physical deformity or not. If the foetus is confirmed scientifically as being deformed and afflicted with maladies or a malady, is it permissible to abort it?

A: Deformity of the foetus in itself is no justification for aborting it. Yes, if its presence in the mother's womb is harmful to her health or causes her difficulty to an extent that cannot normally be tolerated, then it is permissible for her to abort it and that is before the soul enters it. After that, it is absolutely not permissible to abort. (FM, p. 432)

Q142: In some situations, the physicians can confirm that the foetus is afflicted with serious physical deformities which will not be treatable after birth, and it may not survive after birth, except for a short while in pain (for the child), causing toil for the parents. Then he will die. Is it permissible for the mother in such a situation to terminate (the pregnancy)? Does it make any difference if it occurs before or after the soul enters? And with the supposition that it is permissible, is *diyah* obligatory and who pays for it?

A: Abortion is not permissible in situations similar to the one mentioned, even prior to the entrance of the soul. (MMS, pp. 30-31, Q60)

Contraception

Q143: Use of contraceptives is popular these days. If use of the pill and similar things causes harm or difficulty and the only remaining choice is (the insertion) of some devices -- by a male or a female doctor -- which requires exposing the local area, is it permissible for the woman, knowing that pregnancy would cause her harm or difficulty?

A: It is permissible as long as she faces, in both the pregnancy and the use of alternative contraceptive methods, such hardship and danger that cannot be normally endured. If this requires, in addition to exposing the genital organs, other parts of her body surrounding the genitalia, then she must refer to a female doctor. If this is not possible then she may refer to a male practitioner. (FM, p. 428)

Q144: Some women wish to avoid pregnancy, but their husbands want (them to get pregnant).

Follow up: How do they prevent the onset of pregnancy?

Response: By using pills, injections or the cleansing of the vagina after intercourse.

A: All of these are permissible if they do not entail substantial harm to her. (FM, pp. 428-29)

Q145: IUD?

A: If the woman knows that it will lead to the destruction of the egg after its fertilization with the husband's sperm [then it is not permissible for her to use it]. (FM, p. 429)

Q146: *Coitus interruptus* ('*azl*), by which they prevent their husbands from depositing the semen in the vagina during intercourse.

A: They do not have the right to do that. (FM, p. 429)

Q147: Is it permissible for the husband to force his wife not to get pregnant even though she wants to?

Follow up: How does he force her to do that?

Response: He forces her to take pills, injections or use an IUD.

A: He has no right to do that. (FM, p. 429)

Q148: What about practising *coitus interruptus* during intercourse?

A: Yes he has the right to do that. (FM, p. 429)

Q149: Is he permitted to use a condom during intercourse?

A: Yes [but he must obtain her consent for that]. (FM, p. 429)

Q150: Pills that women take in order to delay the onset of their monthly menstrual cycle.

A: They are permitted to use them. (FM, p. 429)

Q151: There are pills that women take to delay the onset of their monthly cycle in the days of the month of *Ramadan* and the days of *hajj*, but sometimes intermittent blood comes out during their cycle, but it does not have the

characteristics of a cycle. What is the ruling, if, knowing that if she stops taking the medication, after 3 days, she will have menstrual blood, and with the medication no menstrual blood will come out except intermittently?

A: Based on this hypothetical question, the ruling of *hayd* is not applicable to the intermittent blood. God knows best. (MMS, p. 19, Q24)

Vasectomy and Tubectomy

Q152: Is it permissible for a man or a woman to undergo an operation, after they have had enough children, that would prevent them from ever having children again? If this is not permissible, would the ruling differ if they were living in an Islamic country that encourages birth control because of public welfare?

A: It is not free from objection, although its permissibility is not unlikely if it does not entail substantial harm, such as removing certain organs like the ovaries of the woman. God knows best. (MMS, pp. 19-20, Q26)

Genetical Analysis

Q153: Lately, science has reached a stage of being able to determine the relationship of the father to his son through blood analysis where their genes match. If the husband suspects that his wife has had relations with another man and as a result has gotten pregnant, and if the blood analysis leads to genes matching with that man, knowing that this analysis is never incorrect, is it obligatory to act upon the findings or should one follow the principle "the son belongs to the marital bed," or follow the result of this proof?

A: "The son belongs to the marital bed" is a principle made for the one who is doubtful. Whoever arrives at a knowledge through blood analysis or otherwise, that goes contrary to this principle should act in accordance with his knowledge. Adultery by the wife is not confirmed by this and the penalty of adultery cannot be implemented except after establishing it through specific stipulated methods in the *shari'ah*. God knows best. (MMS, pp. 14-15, Q12)

Q154: Lately, science has reached a stage where it can identify a murderer by analysing the blood without seeking recourse to other means. It has reached a degree of precision that makes it possible to determine the instrument that was used to carry out the homicide. Is it possible to rely on this to judge a criminal and apply the penalty or not? Or does one have to act only on the well-known principles of the *shari'ah*?

A: A murder is not proven and its ruling cannot be implemented except through the methods of the *shari'ah* or through clear scientific means unmingled with personal judgment. If what has been mentioned is conducted through this established way, then it is permissible for *al-hakim al-shar'i* to give a ruling in accordance with it. God knows best. (MMS, p. 15, Q13)

Medication

Q155: Before taking medication, is it obligatory to investigate and confirm the correctness of its components to find out whether it contains any prohibited ingredients?

A: Certainly not, it is not obligatory to investigate and confirm. (FM, p. 415)

Q156: Many medications and disinfectants contain a small amount of alcohol. Is it permissible to use them, and are they ritually impure?

A: They are not ritually impure and it is permissible for you to use them. (FM, p. 415)

Q157: Some companies experiment with medication on a patient without informing him in order to see if the medication is effective and successful.

A: It is not permissible for them to do that. (FM, p. 416)

Buying and Selling Blood

Q158: Buying and selling blood for a remedy.

A: It is permissible. (FM, p. 412)

Medical Examination

Q159: In hospitals, female nurses feel the pulse, measure blood pressure, dress wounds, etc.

1. Is it obligatory for the male patient to disallow the female nurse from touching his body?

A: It is possible for him to request a male nurse for the aforementioned acts or to request the female nurse to wear gloves or place a barrier like a handkerchief to

interpose without touching his body. (FM, p. 426)

2. Sometimes out of necessity, a male patient requires direct touching and there is no male nurse or to request one is difficult, or the female nurse is gentler to the patient than the male nurse.

A: If necessity requires examination or treatment, and they depend on direct touching, then this is permissible based on the question, but only to the extent necessary. (FM, p. 426)

3. If the wound is in a private area, requiring bandage, what can be done?

A: The patient must request that the nurse -- male or female -- use gloves or place a barrier to avoid touching the private area. If this is not easy, then touching is permissible to the extent necessary to apply the bandage. (FM, pp. 426-27)

Q160: If we change the previous situations from touching to seeing, what is the ruling on seeing?

A: The ruling on seeing is identical to the ruling on touching and is applied as previously covered in detail. (FM, p. 427)

Q161: In the previous situations, if the patient is a woman and the nurse is a man, is the ruling similar to what has been mentioned?

A: Yes. (FM, p. 427)

Medical Students

Q162: Some students in the physical medical science study physiotherapy which requires touching the body of a female patient and handling her (body), to the extent required by the illness. Were the student to refuse to do that, he would fail the examination. Is it permissible to study this science and specialize in it?

A: This is permissible for the student if he knows or is confident that his specialization in this (field) is something upon which the preservation of some honored lives depends, even if it be in the future. His practice of physiotherapy should be in such a way that it does not lead to any sexual excitement. (FM, pp. 425-26)

Q163: In a medical college, it is necessary for the student to examine a *non-*

***mahram* woman and man, and it might happen that he examines their genital organs or the anus. Is this kind of examination permissible for the student of medicine? Is it permissible for a graduate doctor to do this sort of examination if the preservation of some honored lives depends on it, even if it be in the future?**

A: Yes, this is permissible for both the medical student and the doctor if the preservation of some honored lives depends on it, even if it be in the future. (FM, p. 426)

Q164: You have mentioned in your practical treatise (*al-risalah al-'amaliyyah*) something which can be summarized thus -- it is not permissible for a man to look at the private parts of a woman and vice-versa, even for treatment, except when unavoidable. Is it adequate to consider it a necessity for a person in a position of practice, e.g. a medical student?

A: It is inadequate unless removing a great harm from a Muslim depends on it (the practice), even if it be in the future. (MMS, pp. 29-30, Q59a)

Smoking

Q165: Many medical bulletins clearly state the harm of smoking, among them the fact that smoking is the primary cause of heart disease, disease of the blood vessels and arteries, high blood pressure, lung cancer and ulcers, in addition to the harm brought on the family and to society.

Is it permissible for a non-smoker to begin smoking?

Is it permissible for a tobacco addict to continue?

Is it permissible for a pregnant woman to smoke while the doctors say that the foetus is affected by the smoking of its mother?

A: If smoking causes substantial harm to a male or female smoker or to the foetus, then it is prohibited, whether he/she is a beginner or is addicted, assuming that he/she would not suffer substantial harm by quitting. As for the one who would suffer harm by quitting, he/she should consider which one is less harmful: to continue smoking or to quit, and act accordingly. (FM, pp. 416-17)

5. Music

Q166: What is the limit separating lawful from unlawful music? If the criterion is its being labeled "entertainment or amusement," then this is not clear according to convention because there are differences of opinion on that.

A: The separating limit is its being of suitable quality for the gatherings of amusement and of immorality. (MMS, p. 28, Q53)

Q167: Also, regarding musical tunes, what is the criterion for their prohibition? Is the criterion their actual use in songs by people of immorality or is it enough for them to be suitable for such purposes? Is there any difference in situation if they are used during the commemoration of (Imam) Husayn or Islamic songs, for example, etc.?

A: The rule also is their being suitable for gatherings (of amusement and of immorality) and their prohibition is absolutely not lifted by using them during the commemoration or otherwise, based on precaution. (MMS, p. 28, Q54)

Q168: What is the ruling on so-called music in present customary usage?

A: It is of two kinds. One of them suits the places of amusement and entertainment and thus listening to it is prohibited. The other one is other than this and therefore is not prohibited. (FM, p. 437)

Q169: Some types of music are broadcast before the recitation of the noble Qur'an or the *adhan*, before the religious program begins or during. Is it permissible to listen to it?

A: The great majority of them are of the second type and thus are lawful. (FM, p. 437)

Q170: Musical interludes and music that precedes announcement of the news.

A: The same applies. (same answer as Q169) (FM, p. 438)

Q171: Some types of watches, in addition to specifying the time, have musical pieces for the pleasure of the owner whenever he wishes (to hear them). Is it permissible to buy and sell them (watches), or even to listen to their music?

A: It is permissible. (FM, p. 438)

Q172: Is it permissible to listen to religious songs?

Follow up: You mean religious phrases that are composed with musical tunes that are common amongst the people of amusement and entertainment?

Response: Yes.

A: It is prohibited to listen to them. The same ruling applies to all phrases that are not for pleasure and amusement -- such as supplication or *dhikr* -- but composed with these musical tunes. (FM, p. 437)

Q173: Classical music is believed to soothe excited nerves, and is also prescribed at times for treatment of some psychological ailments. Is it permissible for me to listen to it?

A: Yes, it is permissible to listen to music which is not suited for the gatherings of amusement and entertainment. (FM, p. 438)

Q174: Music with pictures that is associated with television films, popular serial programs, the aim of which is to raise the degree of excitement of the viewers in accordance with the atmosphere of the film. For example, if the exhibited scene is frightening, then this music helps in prompting fear and its effect on the viewers.

A: The great majority of them are of the lawful type. (FM, p. 438)

Q175: . . . emotional and national poetry that are at times accompanied by music.

A: The same criterion as was previously mentioned (in Q168). (FM, p. 438)

Q176: The buying and selling of flutes, musical recordings and the like, from among the instruments of pleasure and amusement, is prohibited. However, there are instruments made for children's amusement. Is it permissible to buy and sell them?

A: It is permissible as long as they are not classified among the instruments of forbidden pleasure and amusement. (FM, p. 411)

Q177: Is it permissible for a Muslim to send his son to one of the musical institutes to study music as a profession under the condition that he will not use his profession for forbidden things?

A: There is no objection to studying lawful music in itself, but in sending children to musical institutes one should ensure that it does not negatively affect them in their religious upbringing. God knows best. (MMS, p. 17, Q19)

Dancing

Q178: Is it permissible for a wife to dance for her husband in order to provide him happiness and to excite him?

A: This is permissible for her. (FM, p. 436)

Q179: . . . her dancing in front of others?

A: It is not permissible for her to dance in front of any other but her husband amongst the men [rather, it is not permissible for her to dance in front of women as well]. (FM, p. 436)

Q180: . . . a man dancing in front of men or women other than his wife?

A: Likewise, it is not permissible. (FM, p. 437)

Q181: Some schools in western countries force the male and the female students to study the art of dancing. This dancing is not linked with the popular music and is not for amusement, but is part of the curriculum. Is it prohibited for the parents to grant permission to attend these lessons?

A: Yes, if it contradicts religious training, rather absolutely, based on precaution, with the supposition that the student has attained the age of puberty (*bulugh*). This holds except where he has a *shar'i* justification for studying it in the case where he is following (*taqlid*) the one whose ruling is that it is permissible. In that case, there is no obstacle to permit him to do this. (MMS, pp. 25-26, Q46)

Clapping

Q182: At a wedding and other joyous occasions, men and women clap.

A: It is permissible for them, provided that it does not include other forbidden things.

(FM, p. 437)

6. Lottery

Q183: [Lottery] is a well-known game in America and is the closest thing to [*yanasib*], if it is not exactly the same. Is it permissible for a Muslim to engage in the sale of lotteries with special machines with the justification that it is rescuing (*istinqadh*) wealth from the hands of the unbelievers?

A: If he is authorized by an established company to offer and distribute them (lottery tickets) among non-Muslims, then it is permitted and he should seize the wealth with the justification of rescuing (*istinqadh*) it and not with the intent of selling (the lottery tickets). Alternatively, the Muslim seller takes it (money) in return for his relinquishment of his right (over the lottery tickets), if he had any special right over them. (MMS, p. 12, Q7)

Chess, Backgammon, Wrestling and Boxing

Q184: What is the general rule for an instrument to be prohibited and to be considered an instrument of gambling. Is it making and adopting it (the instrument) for gambling or is it its conventional usage? Is there a difference between its being a convention for a particular society or its being so universally?

A: The general rule is that it is made for gambling and used for it, such that the term "gambling instrument" can be applied to it. It is enough if it is regarded as an instrument (for gambling) in one particular society. (MMS, pp. 27-28, Q52)

Q185: (Is it permissible) to play chess and backgammon without placing a bet?

A: It is not permissible to play them. (FM, p. 436)

Q186: What is the ruling on playing chess by using the customary pieces? Is the ruling any different in the case where the game is played by computer which employs symbols and shapes instead of the customary pieces?

A: Playing it (chess) is absolutely forbidden even without placing a bet. And there is no difference in this, whether it is (played) with customary pieces or by computer. (MMS, p. 27, Q51)

Q187: Some people play with gambling instruments other than chess and backgammon for enjoyment and without placing a bet.

A: [It is prohibited to play with all that is considered a gambling instrument even without placing a bet]. (FM, p. 436)

Q188: Some electronic games that appear on TV with an apparatus called "Atari" and are played with buttons for enjoyment, without placing a bet.

A: If the pictures that appear on the screen are pictures of the instruments of gambling, then it is not permissible to play with them using the "Atari" apparatus, otherwise, it is permissible. (FM, p. 436)

Q189: Wrestling and boxing matches without placing a bet?

A: They are permissible if they do not lead to substantial bodily harm. (FM, p. 434)

7. Magic

Q190: Is it permissible to use white magic which is employed for good and is the opposite of black magic which is used by evil persons?

A: Magic in all its shapes and forms is forbidden [even that which is used to undo magic] unless the matter rests upon a greater benefit such as saving the life of a respected person. (FM, pp. 417-18)

Inviting Souls

Q191: Inviting the souls in order to ask them about their state and the *barzakh* and other matters pertaining to the hereafter.

A: It is prohibited to invite a respected soul whose summoning would cause him harm. Other than these (respected souls), it is permissible. (FM, p. 418)

Exploiting the Angels

Q192: Some of them claim that they exploit the angels.

A: There is no basis to this claim. (FM, p. 418)

Asking for Intercession

Q193: Is it permissible to ask for sustenance, a child, protection or intercession directly from the infallible ones?

Follow up: Let me ask you first. Do you seek this from them because they create, or sustain, or protect?

Response: Certainly not. But rather because they are the means to Allah (s.w.t.), the intercessors with Him in the disposal of affairs, and because they cannot do anything but with the permission of Allah, the Sublime and Exalted.

Follow up: You mean that they ask Allah the Exalted and He creates, and they ask Him and He sustains, and they ask Him and He protects, and because they are

intercessors, whose pleas or supplications are not rejected, because of their status with Allah, the Sublime, and for their guardianship over us?

Response: Yes, I mean that.

A: This is permissible. Allah (s.w.t.) says: "...and seek means of nearness to Him..." (Qur'an, 5:35) and they (a.s.) are your means of approach to Allah (s.w.t.). This is permissible. (FM, p. 421)

8. Slandering Allah (s.w.t.), Prophet (S) or Imams (a.s.)

Q194: During verbal disputes, some people unfortunately employ words in a non-serious manner that imply disbelief in Allah (s.w.t.) or articulate that which is inappropriate for the infallible ones (a.s.). Is it obligatory to impose a penalty (*hadd*) on them for that?

A: As long as they are not serious and do not mean what they are saying, there is no *shar'i* penalty on them but they are deserving of *ta'zir*. (FM, p. 419)

Q195: If they are serious and intend to slander Allah (s.w.t.), the Prophet (S), the Imams (a.s.), religion or school of law (*madhhab*) and persist in this.

A: The ruling upon them is death. (FM, p. 419)

Gossip

Q196: Is it permissible to gossip about a deviant (*mukhalif*) Muslim?

A: It is preferable to refrain from gossiping about him. (MMS, p. 21, Q32)

Stealing, Cheating and Deceiving

Q197: Is it permissible for a Muslim to steal from the unbelievers in their country [Europe] or to deceive them in taking their properties by employing means that are known to them (the unbelievers)?

A: It is not permissible to steal from their private and public properties, and likewise to damage or destroy them (properties), if this tarnishes the reputation of Islam and Muslims in general. Similarly, it is not permissible even if it is not as such, but considered a deception and breach of an implied trust given to them (the unbelievers) on entry or on reception of a residency permit for their (the unbelievers) country, since the prohibition of deception and breach of trust is with regard to anyone. (MMS, p. 24, Q39)

Q198: Is it permissible for a Muslim to provide incorrect information to government agencies in Europe to obtain through legal channels privileges and financial or non-financial facilities?

A: That is not permissible for it constitutes lying and for whatever has been mentioned, there is no justification for that. (MMS, pp. 24-25, Q42)

Q199: Is it permissible to cheat on school exams if some of the teachers help the students in doing so?

A: This is not permissible. (FM, p. 434)

Greeting Non-Muslims

Q200: What is the ruling on saying "*salam*" or replying to it with respect to the People of the Book, or others amongst the unbelievers? Is it permissible to congratulate them on some of their special occasions like Christmas and the like?

A: There is no objection to commencing with "*salam*" to them, but it is discouraged (*makruh*) except when necessary, even if it is customary. Their "*salam*" should be replied by saying "*'alayk*." There is no objection to congratulating them on special occasions. (MMS, pp. 31-32, Q63)

GLOSSARY

'azl coitus interruptus

baligh one who has attained the age of puberty.

barzakh period between death and resurrection; purgatory; isthmus.

dhikr mention of certain formulae like "subhan Allah," "al-hamdu li-l-lah," etc.

diyah indemnity or compensation for injury or death.

eid religious festival.

fiqh Islamic positive law.

ghusl major ritual ablution (washing) of the entire body to achieve a state of ritual purity.

hadath condition requiring wudu' or ghusl.

hadd punishment prescribed in Textual sources (Qur'an and Sunnah) for certain violations.

hadd al-tarakhkhus point away from the boundary of a city whose inhabitants cannot be seen. Some jurists consider it to be a point from where the city's call to prayers (adhan) cannot be heard. However, Ayatullah Seestani objects to this latter definition. (MS, p. 297, Q918)

hajj pilgrimage to Mecca performed in the last month, Dhu-l-Hijjah, of the Islamic lunar calendar.

al-hakim al-shar'i religious authority, mujtahid.

hayd bleeding of a menstrual cycle.

hijab statutory Islamic dress code of modesty.

hilal crescent.

husna kindness.

ihram state of ritual consecration to perform major pilgrimage (hajj) or minor one ('umrah).

istihadah irregular bleeding other than the menstrual cycle.

istihalah transformation, chemical change.

istinqadh rescue, salvage.

janabah state after having sexual intercourse or ejaculation.

jumu'ah Friday.

kaffarah expiation, compensation, penalty.

kafir unbeliever.

khums 20% tax levied on certain items.

mahram one who falls within the prohibited degree for marriage.

majhul al-malik unknown owner, derelict property.

majlis (pl. **majalis**) assembly to commemorate religious events.

makruh discouraged, reprehensible.

marja' high-ranking religious authority whose guidance is sought by the laity.

mukallaf one who is competent to undertake religious obligations; religiously accountable.

mu'min believer.

nadhr solemn vow, pledge.

najasah ritual impurity.

najis ritually impure; not equivalent to unhygienic or unclean.

nifas bleeding of a woman after childbirth.

non-baligh one who has not attained the age of puberty.

non-mahram opposite of mahram.

obligatory precaution the follower (muqallid) has the discretion to revert to the ruling (fatwa) of the next high-ranking mujtahid on that particular issue only.

qada lapsed or due prayers, fasts, etc.

qasr shortened prayers of a traveller.

qiblah direction to Ka'bah for prayers, burying the deceased, etc.

Ramadan ninth month of the Islamic lunar calendar and the month of fasting.

riba interest, usury.

al-risalah al-'amaliyyah

practical treatise prepared by the jurist for the laity.

salat ritual prayer; formal worship.

sa'y pacing back and forth seven times by a pilgrim between Safa and Marwah.

shar'i lawful, legitimate.

shari'ah universal Islamic values and norms; commonly referred to as the Islamic law.

Shawwal tenth month in the Islamic lunar calendar.

siyam fasts.

tahir ritually pure; not equivalent to hygienic or clean.

tamm complete prayers.

taqlid emulating the opinions of a religious authority.

taqsir cutting a piece of hair or nail by the pilgrim.

tathir ritual purification.

tawaf circumambulation around the Ka'bah.

tayammum substitution for wudu' and/or ghusl.

ta'zir discretionary punishment estimated by al-hakim al-shar'i or a judge that is not prescribed in the Qur'an or the Sunnah; chastisement.

ulama religious scholars.

'urf convention, customary law.

wudu' minor ritual ablution of certain parts of the body.